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Neal Wilson and Deshanna Wilson*

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

-----X
AMERICAN TALENT AGENCY, INC.,

Plaintiff,

Case No.: 08 CV. 4541 (SCR)

v.

NOTICE OF MOTION

ROWE ENTERTAINMENT, INC., LEONARD ROWE,
N&D ENTERTAINMENT, INC., NEAL WILSON and
DESHANNA WILSON,

Defendants.

-----X
**TO THE CLERK OF THIS HONORABLE COURT AND TO ALL PARTIES OF
RECORD:**

PLEASE TAKE NOTICE THAT, upon the annexed Declaration of Brian A. Bloom, dated May 28, 2008, with the exhibits annexed thereto, the Affidavit of Deshanna Wilson sworn to on May 23, 2008, along with the accompanying Memorandum of Law, pursuant to the "First to File Doctrine," Federal Rule of Civil Procedure Rules 12(b)(2), 12(b)(3), and 28 U.S.C. § 1404(a), the undersigned will move this Honorable Court before the Honorable Judge Stephen C. Robinson, U.S.D.J., at the Courthouse located at 300 Quarropas Street, Room 663, White Plains, New York 10601 at such date and time as may be convenient to the Court, for an Order:

- (1) Pursuant to Fed.R.Civ.P. Rule 12(b)(2) dismissing the within action as to Defendants Neal Wilson, Deshanna Wilson and N&D Entertainment, Inc. (the "Wilson Defendants") for lack of personal jurisdiction over each of them;
- (2) Pursuant to the "First to File Doctrine" dismissing the within action in favor of the first-filed action presently pending in the Superior Court of Muscogee County, Georgia (the "Georgia Action");
- (3) Pursuant to Fed.R.Civ.P. Rule 12(b)(3) and the common law doctrine of *forum non conveniens* dismissing the within action for improper or inconvenient forum;
- (4) Pursuant to 28 U.S.C. § 1404(a) and for the convenience of the parties and witnesses and in the interest of justice, transferring venue of this case to the United States District Court for the Middle District of Georgia; and
- (5) For such other and further relief as this Honorable Court may deem just and proper under the circumstances.

PLEASE TAKE FURTHER NOTICE that pursuant to the briefing schedule agreed to by the Parties, opposition memoranda are due to be served on June 23, 2008. Reply Memoranda shall be served on all parties on July 14, 2008.

Dated: New York, New York
May 28, 2008

AKERMAN SENTERFITT LLP

By: 

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SERVICE LIST

To:

Clerk of the Court
United States District Court
Southern District of New York
300 Quarropas Street
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AND

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AND

Leonard Rowe, *Defendant*
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AND

Rowe Entertainment, Inc., *Defendant*
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